

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Crl.Rev.Pet.No. 832 of 1998-C

CRA.41/1992 of I ADDL. SESSIONS COURT, KOLLAM
SC.51/1989 of ASSISTANT SESSIONS COURT, KOTTARAKKARA

REVN. PETITIONER:

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- 1. ANANDAN, S/O. PAPPU,
KOKKOOTTUMELATHIL, PIDAVOOR MURI,PIDAVOOR VILLAGE.**
 - 2. PRASAD, SON OF PAPPU DO DO.**
 - 3. SADANANDAN, S/O. RAMAN, MAVILAYILL VEEDUD
PIDAVOOR MURI
PIDAVOOR VILLAGE.**
 - 4. SAJEEVAN, S/O. SADANANDAN,
MAVILAYIL VEEDU, PIDAVOOR.**
 - 5. SIVANANDAN, S/O. GANGADHARAN
VELEUTE PADINJATTATHIL, PIDAVOOR MURI
PIDAVOOR VILLAGE.**

**BY ADV. SRI.K.V.VINODKUMAR
SRI.S.RAJEEV**

RESPONDENTS:

**STATE OF KERALA REPRESENTED BY THE S.I.OF POLICE
PATHANAPURAM.**

**BY
PUBLIC PROSECUTOR MR. C.M. KAMMAPPU**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 4-4-2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

ORDER ON CRL.M.P.NO. 4218/1998 IN CRL.R.P.NO. 832 OF 1998

DISMISSED.

4-4-2007

SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.832 of 1998

DATED THIS THE 4th DAY OF APRIL 2007

ORDER

The revision petitioners stand convicted for the offences under Sections 326 and 324 read with Section 34 I.P.C. and sentenced to undergo rigorous imprisonment for three years each for the offence under section 326 read with section 34 I.P.C. and for the offence under Section 324 read with Section 34 I.P.C. they stand convicted and sentenced to undergo rigorous imprisonment for six months each with the direction that the sentences shall run concurrently.

2. The prosecution case is that the accused and PWs.1 to 3, 7 and 10 are relatives and that on 30-9-1988 at about 7.45 p.m. the accused formed themselves into an unlawful assembly, armed with deadly weapons like chopper, dagger, iron rod and stones and attacked PWs.1 to 3, 7 and 10 and caused grievous injuries to PW2 inflicting a blow on his abdomen with the chopper and also beat on his left knee with an iron rod causing

dislocation of patella. The others also sustained injuries which are not of a serious nature. The parties except PW2 has filed an application for compounding signed by the revision petitioners as well as Pws.1, 3,7 and 10. It is submitted that PW2 is not available in the locality and hence he could not be made a party in the application. Of course, the offence under Section 326 I.P.C.is not compoundable. Counsel for the petitioner has pleaded for leniency pointing out that the incident has taken place in 1988, i.e. about 18 years back. In the circumstances and considering the fact that the accused were facing the criminal proceedings so long, I find that it is only proper to modify the sentence. Hence, the sentence imposed under Section 326 I.P.C. is modified to imprisonment till the rising of the court and to pay a fine of Rs.20,000/-each and in default to undergo simple imprisonment for six months each. The fine amount, if realised, shall be paid to PW2. No separate sentence is to be awarded for the offence under Section 324 read with Section 34 I.P.C. The revision petitioners shall appear before the Assistant Sessions Judge, Kottarakkara on 10-5-2007 to receive

sentence. Non-bailable warrant pending if any is to be kept in abeyance till then. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P.NO.832 of 1998

ORDER

4-4-2007